

U. S. DISTRICT COURT  
WESTERN DISTRICT ARKANSAS  
FILED

JUL 27 2009

CHRIS R. JOHNSON, CLERK

DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS BY  
FAYETTEVILLE DIVISION

GEOFFREY NEAL BLAKE

PLAINTIFF

v.

Civil No. 09- 5154

BENTON COUNTY DETENTION  
FACILITY; and BENTON COUNTY  
SHERIFF'S DEPARTMENT

DEFENDANTS

**REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE**

Geoffrey Neal Blake submitted this *pro se* action for filing under the provisions of 42 U.S.C. § 1983. Along with his complaint, Blake submitted an application to proceed *in forma pauperis* (IFP).

On June 29, 2009, Blake was incarcerated in the Benton County Detention Center. According to his IFP application, until June of 2009, he made \$72,000 a year working at Cott Beverage in Bentonville, Arkansas. He also indicates he has the following monthly income from military related pensions: combat related service \$800 per month; Veteran's Administration Disability \$1200 per month; and Military Pay of \$1700 per month. He indicates these military pensions will cease after he has been incarcerated for sixty days.

It is clear at this time, Blake does not qualify for IFP status. He clearly has sufficient income to pay the \$350 filing fee. I therefore recommend that the IFP application be denied.

**Blake has ten days from receipt of the report and recommendation in which to file written objections pursuant to 28 U.S.C. § 636(b)(1). The failure to file timely objections**

may result in waiver of the right to appeal questions of fact. Blake is reminded that objections must be both timely and specific to trigger de novo review by the district court.

DATED this 23 day of July 2009.

  
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HON. JAMES R. MARSCHEWSKI  
UNITED STATES MAGISTRATE JUDGE